790.01   Introduction

As a project progresses through the Design and PS&E Phases (**Part 4** and **Part 5** of this Manual) many commitments in the form of mitigation plans and permit conditions are made to the various resource agencies to protect the environment, reduce social impacts and protect cultural and historic resources. Some of those commitments must be fulfilled during maintenance and operations.

Interagency agreements between WSDOT and resource agencies also include environmental commitments. Those applicable to maintenance and operations are summarized in **Section 710.03** and discussed in **Chapter 420** through **Chapter 480**. **Appendix E** includes an index of all WSDOT environmental interagency agreements, in the form of Memoranda of Understanding (MOUs), Memoranda of Agreement (MOAs) or Implementing Agreements. **Appendix E** also includes a matrix and an accompanying narrative showing which agreements have provisions applicable to maintenance and operations.

In addition, some statutory requirements do not involve permits or approvals, but still apply to WSDOT construction; for example dangerous waste and underground storage tank requirements. See **Chapter 710** and **Chapter 720** for requirements applicable to maintenance and operations.

Some of those commitments are unique to a given project. Other requirements are Standard Operating Procedure for WSDOT and can be found in the Standard Specifications, WSDOT *Construction Manual* (M41-01) and *Right of Way Manual* (M 26-01).

790.02   Implementing Environmental Commitments During Maintenance and Operations

The guidance in this section is intended to ensure compliance with environmental commitments when potential problems occur within the right-of-way during maintenance fieldwork. It includes procedures for making sure there is a smooth handoff to Maintenance and Operations when a construction project is completed; promptly notifying the appropriate individuals if a potential problem arises; and coordinating appropriate response measures to prevent violations.

(1)   Post-Project Construction Requirements

When a construction project has been completed, the Project Engineer (PE) should notify the Regional Environmental Manager (REM). The Regional Environmental Manager, in consultation with the PE, should then brief Regional Maintenance Superintendents and Maintenance Environmental Coordinators (RMEC) on any environmental permit conditions with post-construction

requirements and on all mitigation sites in the project area needing avoidance or protection. Perform this briefing according to Regional procedures.

(2) ***In-Water Work***
Requirements for communication with the appropriate resource agencies are defined in the *Regional Road Maintenance Endangered Species Act Program Guidelines*. Specific notification from maintenance crews to the resource agencies is required in situations described below.

(a) ***In-Water Work***
The Regional Maintenance Environmental Coordinator (RMEC) must be notified before beginning any work activity in or adjacent to sensitive or aquatic areas, including streams, wetlands, lakes, marine water or other water bodies. Any work in these areas may require some form of environmental review and/or notification, although in most cases formal permits are not be required. This is coordinated through the RMEC. If prior notification is not possible due to an emergency action, the Region's Environmental Office must be informed on the first business day following an emergency declaration.

(b) ***Emergency In-Water Work***
The U.S. Army Corps of Engineers (Corps) and the Washington State Department of Fish and Wildlife (WDFW) require immediate notification for any emergency work in or affecting waters of the state. For emergency response work involving in-water work, Maintenance staff must immediately call the local Area Habitat Biologist with jurisdiction in the affected watershed. If the biologist cannot be reached, Maintenance staff must call the WDFW emergency hotline, 360-902-2537.

Maintenance staff should also contact Corps liaison for that region or fax work information to 206-764-6602 before proceeding with work. For emergency work outside normal working hours, contact Muffy Walker at 206-781-0469, or Tom Mueller at 206-842-0155. Work information should include location, nature, and method of work. Take photographs if possible. If a Corps permit is required, work may result in an after-the-fact permit, or initial corrective measures, which are processed as a violation.

The RMEC or Regional Environmental Office will make the additional notifications, required for in-water work, on the first business day following the response notification. Following notification, the Environmental Office will commence environmental permitting and endangered species impact assessment as required.

The initial emergency response work is to stabilize the affected area only, minimizing adverse environmental effects, and using BMPs to avoid further impact. The normal design, construction, and permit procedures are followed for permanent repairs, as necessary, after stabilizing the initial emergency condition.

(3)   ***ESA/General Permit Reporting Requirements and Violation Notification Process***

During the course of maintenance work, crews are required to report work that is conducted within priority sensitive areas on the Personal Data Assistant (PDA) ESA Compliance checklist. (Consult the Roadside-Sensitive Management Area Atlas, fish sticks, or pavement markings.) For instructions on completing this checklist, see *Best Management Practices Field Guide for ESA Section 4(d) Habitat Protection* (March 2004). The checklist documents WSDOT's compliance with ESA Section 4(d) "take" limits and General Permits.

Permit compliance, maintenance category, BMP, and other reports are developed and generated on request. Additional BMPs utilized in the field, along with associated comments, are evaluated and discussed at the statewide RMEC meetings. Any recommended improvements are forwarded to the Regional Forum for consideration.

Figure 790-1 illustrates the maintenance violation notification process. Roles and responsibilities are summarized below:

On-site Maintenance Personnel

- Notify the Maintenance Superintendent.

Maintenance Superintendent

- Notifies the Regional Maintenance Engineer/Manager and the RMEC.

RMEC

- Serves as the contact lead.
- Immediately notifies the appropriate local, state, and federal agencies, Regional Environmental Manager, and the Headquarters Maintenance and Operations Water Quality Policy Manager.
- Identifies and obtains appropriate permits or permit revisions.
- Documents all actions, conversations and activities. Communicates issues and sends documentation to the appropriate resource agencies.

Headquarters Maintenance and Operations Water Quality Policy Manager

- Notifies the Headquarters Maintenance and Operations Environmental Services Manager.

Headquarters Maintenance and Operations Environmental Services Manager

- Notifies the Environmental Services Office Compliance Branch Manager.
- Determines if the violation is significant to warrant notification to the State Maintenance Engineer.

Environmental Service Office Compliance Branch Manager

- Documents the details of the notification process and problem resolution in a central data base used to report, as may be required by an Environmental Management System, on agency compliance with environmental regulations.

- Determines if the violation is significant enough to warrant notification to the Environmental Services Office (ESO) Director.
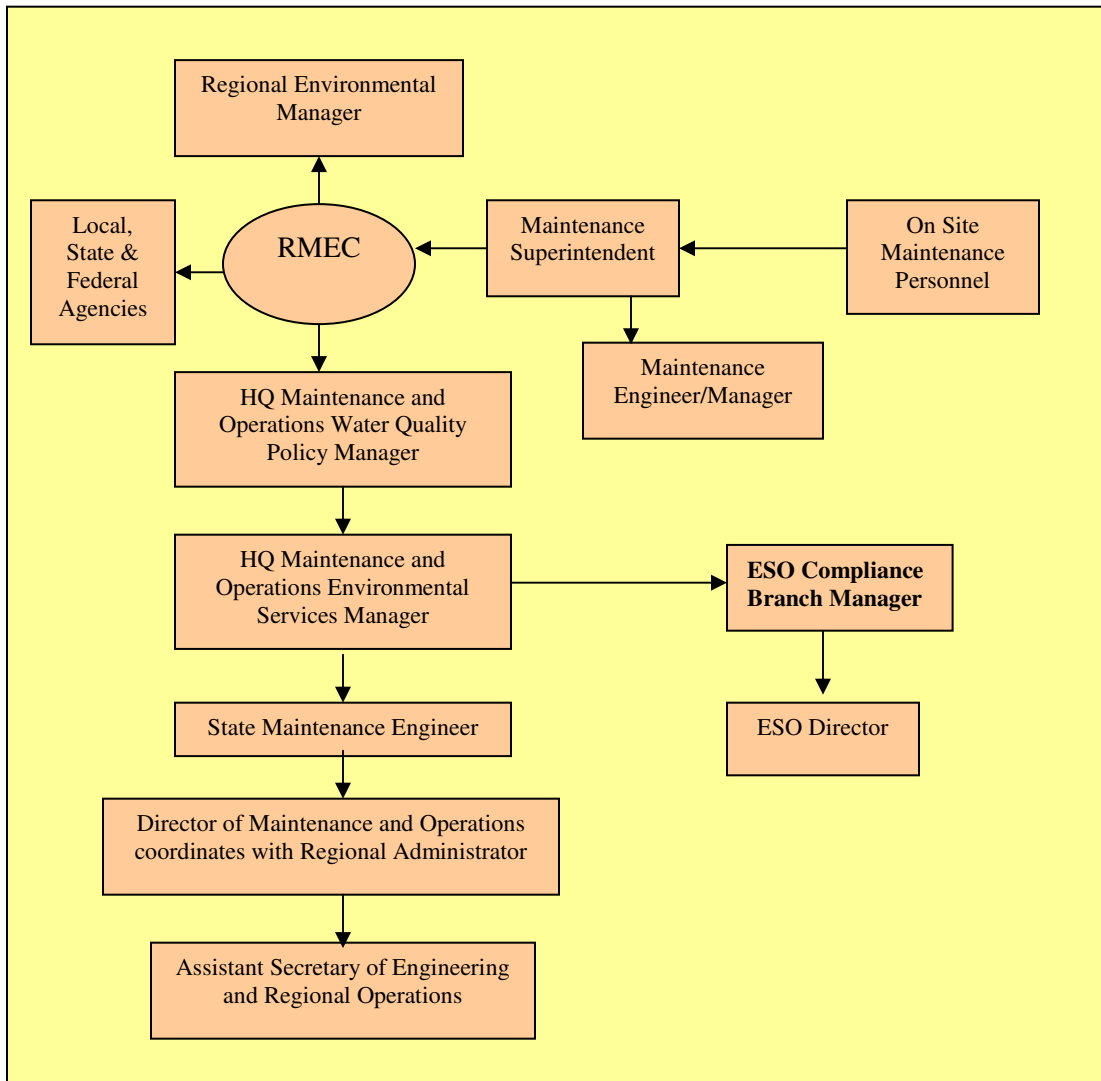
State Maintenance Engineer (if notified)

- Notifies the Director of Maintenance and Operations

Director of Maintenance and Operations:

- Coordinates with the Regional Administrator to contact the Assistant Secretary of Engineering and Regional Operations and advise on the situation, and provide updates as needed on the situation.

Figure 790-1: Maintenance Violation Notification Process

790.03   Exhibits

None.